

REMARKS

Claims 1-7 and 9-11 are in the application. No claim is allowed. A typographical error in claim 1 has been corrected.

Claims 1-5 are rejected under the judicially created doctrine of obviousness-type double patenting over claim 8 of commonly owned U.S. Patent No. 6,303,585. Claims 9 and 10 are rejected on the same ground over claims 21 and 22, respectively of the '585 patent. Claims 6 and 7 are similarly rejected over claim 18 of the '585 patent.

Withdrawal of these rejections is respectfully requested in view of the enclosed Terminal Disclaimer by the common Assignee, DePuy Spine, Inc. of U.S. Patent No. 6,303,585, pursuant to 37 C.F.R. 1.321.

Claims 1 and 11 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 12 or 13 and claim 11 of commonly owned U.S. Patent No. 6,683,064.

Withdrawal of these rejections is respectfully requested in view of the enclosed Terminal Disclaimer by the common Assignee, DePuy Spine, Inc. of U.S. Patent No. 6,683,064, pursuant to 37 C.F.R. 1.321.

Applicants acknowledge the examiner's discussion of the prior art Reinmuller, U.S. Patent No. 5,731,298 and Hungerford et al., U.S. Patent No. 6,378,527 in the Office Action.

It is submitted that all these rejections should be withdrawn in view of the Terminal Disclaimer submitted herewith, along with the fee required pursuant to 37 C.F.R. §1.20(d).

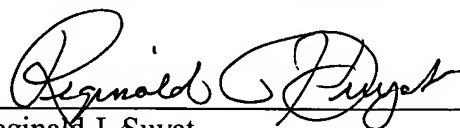
Accordingly, it is submitted that this application is in condition for allowance.

Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any additional fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the undersigned's Deposit Account No. 500388 (Order No. DEPYP007X1C2).

Dated: February 7, 2005

Respectfully submitted,
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